

CIRCUIT RULE 3-4

CIVIL APPEALS DOCKETING STATEMENT

(a) Except as provided in section (b) below, appellant in each civil appeal shall complete and submit to the district court upon the filing of the notice of appeal an original and one copy of the Civil Appeals Docketing Statement on the form provided as Form 6, in the Appendix of Forms. Appellant shall attach copies of judgments, orders, opinions, and findings of fact and conclusions of law of the district court that will be relevant to the major issues it anticipates raising in the appeal. Any Civil Appeals Docketing Statement submitted after the filing of the notice of appeal shall be submitted to this court rather than the district court.

Within 7 days of service of the Civil Appeals Docketing Statement, appellee may file a response with this court. Parties shall serve copies of the Civil Appeals Docketing Statement on all parties to the district court case.

Appellant's failure to comply with this rule may result in dismissal of the appeal in accordance with Circuit Rule 42-1.

(b) The requirement for filing a Civil Appeals Docketing Statement shall not apply to:

- (1) an appeal in which the appellant is proceeding without the assistance of counsel;
- (2) an appeal from an action filed under 28 U.S.C. § § 2241, 2254, 2255; and,
- (3) petitions for a writ under 28 U.S.C. § 1651. (rev. 7/97)

Cross Reference: FRAP 33 and Circuit Rule 33-1, Appeal Conferences; Form 6, Appendix of Forms.